

Appl. No. 10/531,607
Response to Office Action of December 09, 2005

PATENT
Docket No.: NL030087
Customer No. 000024737

REMARKS

By this amendment, claims 2, 3 and 8 have been canceled. Claims 1, 4 and 9 have been amended. Claims 5, 6, 7 and 10 remain unchanged. New claims 11-13 have been added. Claims 1, 4-7 and 9-13 remain in the application. Support for the amendments to the claims can be found in the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is respectfully requested.

Objection to the Specification

The specification stands objected to as indicated in the office action. Applicants respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a). Withdrawal of the objection to the specification is requested.

Rejection under 35 U.S.C. §102

Claim 1 recites a road marking system comprising at least one semi-circular lighting module (4) provided in a recess in a road surface (1), wherein the recess is in the form of half a round disc, wherein the road surface (1) comprises a first asphalt layer (2) and a second asphalt layer (3) situated below the first asphalt layer (2), wherein the lighting module (4) is provided with coupling means (7,7') for coupling an electrical conductor (6) and the lighting module (4) to one another, wherein the electrical conductor (6) is provided in a cable duct (8) provided in the second asphalt layer (3) of the road surface (1), and wherein the coupling means (7,7') includes a cable for coupling the lighting module (4) to the electrical conductor (6), the cable extending through an opening in an upper side of the cable duct (8), wherein a deepest point of the half a round disc shaped recess provides the opening in the cable duct (8) through which the cable can be passed, and wherein provision of the cable duct (8) below the

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first asphalt layer (2) provides a favorable influence on water drainage of the road surface.

Claims 1, 2 and 5-9 were rejected under 35 U.S.C. § 102(a) as being anticipated by Pas (US 2002/0006313 A1) (hereinafter "PAS"). With respect to claims 2 and 8, the same has been canceled herein, thus rendering the rejection thereof now moot. With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the PAS reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the PAS reference, the latter reference does not disclose a semi-circular lighting module provided in a recess in a road surface, the recess being in the form of a half a round disc. In one embodiment, the recess is formed by a sawcut, thereby rendering the recess to be in the shape of a thin half a round disc. Neither does the PAS reference disclose a road surface comprised of a first asphalt layer and a second asphalt layer situated below the first asphalt layer. Neither does the PAS reference disclose an electrical conductor provided in a cable duct provided in the second asphalt layer of the road surface, wherein a deepest point of the half a round disc shaped recess provides the opening in the cable duct, in an upper side of the cable duct, through which a cable can be passed. Still further, neither does the PAS reference disclose wherein provision of the cable duct below the first asphalt layer provides a favorable influence on water drainage of the road surface (i.e., especially in a side-to-side direction and along the length

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dimension of road).

In contrast, PAS discloses a traffic element with illumination including a transparent plastic component, the plastic component having connection terminals provided within grooves on a bottom surface of the plastic component for connecting with electricity cables. In addition, as found in paragraph [0069] of PAS, the traffic element includes "longitudinal recesses 19" that "serve for good and durable accommodation in the VOAC concrete." As can be understood from the embodiments shown in Figure 4 of PAS, the longitudinal recess 19 (i.e., running the length dimension of the plastic component traffic element along a corresponding length dimension of road into and out of the page) would present an obstruction and unfavorably influence water drainage on the road surface, especially in a side-to-side direction of the road.

Therefore, the rejection is not supported by the PAS reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Dependent claims 2 and 5-9 depend from and further limit independent claim 1 and therefore are allowable as well.

Rejection under 35 U.S.C. §103

Claims 3, 4 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pas (US 2002/0006313 A1). With respect to claim 3, the same has been canceled herein, thus rendering the rejection thereof moot. With respect to claims 4 and 10, application respectfully traverses this rejection for at least the following reasons. Dependent claims 4 and 10 depend from and further limit independent allowable claim 1 and therefore are allowable as well. Accordingly, the 35 U.S.C. § 103(a) rejection thereof has now been overcome.

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New claims 11-13 have been added to provide for more complete claim coverage of the embodiments of the present disclosure. Claims 11-13 depend from and further limit independent allowable claim 1 and therefore are allowable as well.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claim 1 is in condition for allowance. Dependent claims 4-7 and 9-13 depend from and further limit independent claim 1, therefore are allowable as well. The amendments herein are fully supported by the original specification and drawings, therefore, no new matter is introduced. An early formal notice of allowance of claims 1, 4-7 and 9-13 is requested.

Respectfully submitted,

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<u>2/20/06</u>
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